

## **REMARKS**

Claims 1-11 and 16-20 are pending in this application.

Applicant would like to thank Supervisor Gutierrez for his courtesy extended during a brief telephone interview of September 16, 2004. Applicant has amended the preamble of claim 1 according to the Supervisor's suggestion.


In the Office Action, the Examiner rejected all pending claims under 35 U.S.C. Section 102(b) or Section 103(a) under a combination of the following references: Potter (US Patent No. 6178655); Fain (US Patent No. 4649649); Johnson (US Patent No. 6513261); and Betts (US Patent No. 5430952).

Applicant submits that the newly added feature of “said marker housing . . . adjacent to said casing such that a bottom surface of said marker housing is substantially coplanar with the bottom surface of said casing to minimize the vertical distance of the tape measure from the object to be measured” is not taught or suggested by any of the cited references.

Based upon the above amendments and remarks, Applicant respectfully requests reconsideration of this application and its earlier allowance. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,  
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